

FILED
02-12-2019
CIRCUIT COURT
DANE COUNTY, WI
2019CV000084

EXHIBIT F

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
BRANCH 15

THE LEAGUE OF WOMEN VOTERS OF WISCONSIN,
DISABILITY RIGHTS WISCONSIN, INC.,
BLACK LEADERS ORGANIZING FOR COMMUNITIES,
GUILLERMO ACEVES, MICHAEL J. CAIN, and
JOHN S. GREENE, Ca

Case No. 19-CV-84

Plaintiffs,

Case Code 30701 & 30704

v.

DEAN KNUDSON, JODI JENSEN, JULIE M. GLANCEY,
BEVERLY GILL, ANN S. JACOBS, MARK L. THOMSEN,
MEAGAN WOLFE, and TONY EVERS,

Defendants.

AFFIDAVIT OF GUILLERMO ACEVES

STATE OF WISCONSIN

COUNTY OF DANE

Guillermo Aceves, first being duly sworn on oath, deposes and states as follows:

1. I am an adult who resides at 409 Burr Street, in the Village of Clinton, in Rock County, Wisconsin. I make this affidavit in support of plaintiffs' motion for temporary injunction in the above-captioned action.

2. I have personal knowledge of the matters set forth herein, except when the matter is stated upon information and belief, and, if called as a witness, I could and would testify competently as to the truth of such matters.

3. I am employed as a heavy equipment operator by Arbor Green, Inc., a contractor that engages in heavy and highway construction projects managed by the Wisconsin Department of Transportation ("DOT").

4. I am an active member of the International Union of Operating Engineers Local 139. I have been a member of Local 139 since March 2018.

5. I anticipate being harmed by Section 17 of 2017 Wisconsin Act 368, which would require the use of federal funds for large transportation projects to not less than 70% of the aggregate federally eligible project components. Specifically, Act 368 would require the DOT to expend federal moneys on not less than 70% of the aggregate project components eligible for federal funding each fiscal year for the following project types: (a) southeast Wisconsin freeway megaprojects; (b) major highway development projects; and (c) state highway rehabilitation (SHR) projects with a total cost of less than \$10 million. The effect of these requirements is to consolidate all federal funds into the only the largest DOT projects and reduce the number of DOT projects that utilize federal funds.

6. My employer, Arbor Green, Inc., is a woman-owned business and a Disadvantaged Business Enterprise ("DBE") program certified contractor. The DBE program is intended to increase participation of woman-owned businesses in transportation projects. The DBE program applies only to those DOT projects using federal funds.

7. As a result of the funding limitations in 2017 Wisconsin Act 368, fewer DOT projects will participate in the DBE program because fewer projects will have federal funding. This will in turn result in fewer opportunities for Arbor Green, and by extension,

its employees, including me. I will lose the opportunity to work on federally regulated projects.

8. Federally funded projects also have Davis Bacon prevailing wage requirements and Copeland Act protections. If employers fail to pay the proper wage rate or overtime or engage in kickback schemes on federally funded projects, workers on those projects have access to federal legal protections. I will also lose the protections that come with Davis-Bacon Act prevailing wage requirements and the Copeland Act anti-kickback protections, which, like the DBE program, apply only to those DOT projects using federal funds.

9. I anticipate that 2017 Wisconsin Act 368, by limiting opportunities for my employer and myself will lead to me having less work to do and thereby reducing my overall earnings.

10. For these reasons, 2017 Wisconsin Act 368 will cause me, and other workers similarly situated, irreparable harm.



Guillermo Aceves
Guillermo Aceves

Subscribed and sworn to before me
this 8th day of January, 2019.

[Signature]
Notary Public, State of Wisconsin
My commission expires: is permanent